



Broadcasting Decision CRTC 2012-691

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Route reference: 2012-461

Ottawa, 19 December 2012

Golden West Broadcasting Ltd.
Swift Current, Saskatchewan

Application 2011-0217-8, received 1 February 2011

CKFI-FM Swift Current – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKFI-FM Swift Current from 1 January 2013 to 31 August 2017. This short-term licence renewal will allow for an earlier review of the licensee's compliance with its conditions of licence and with the Radio Regulations, 1986.*

Introduction

1. The Commission received an application by Golden West Broadcasting Ltd. (Golden West) to renew the broadcasting licence for the English-language commercial radio programming undertaking CKFI-FM Swift Current, which expires 31 December 2012.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2012-461, the Commission indicated that the licensee may have failed to comply with its condition of licence relating to contributions to Canadian talent development (CTD) for the 2007-2008 broadcast year. Upon further review of the record, the Commission notes that the licensee may also have failed to comply with section 15 of the *Radio Regulations, 1986* (the Regulations), which relates to contributions to Canadian content development (CCD), for the 2008-2009 broadcast year.

Commission's analysis and determinations

3. After examining the application in light of applicable regulations and policies, the Commission considers that the issue to be addressed in its determinations is the

¹ The original licence expiry date for the station was 31 August 2011. The licence was administratively renewed from 1 September 2011 to 31 December 2012 as a result of Broadcasting Decisions 2011-556, 2012-164 and 2012-456.

licensee's apparent non-compliance with its requirements relating to CTD and CCD contributions.

4. As set out in Broadcasting Decision 2005-37, Golden West is required by condition of licence to make, through eligible third parties, a minimum annual contribution of \$400 to the CTD. In addition, following a commitment by Golden West, the Commission set out in that same decision a condition of licence requiring the licensee to contribute an additional \$600 annually to CTD. As such, the licensee's total required annual contribution to CTD is \$1,000. However, for the 2007-2008 broadcast year, Commission records show that the licensee made a total CTD contribution of \$400, resulting in an apparent shortfall of \$600 for that broadcast year.
5. In regard to the 2008-2009 broadcast year, in Broadcasting Public Notice 2008-67, the Commission announced amendments to the Regulations, which came into force on 1 September 2008. These included the addition of section 15, which set out a new CCD contribution regime. Pursuant to section 15 of the Regulations, Golden West was required to make a basic CCD contribution for the 2008-2009 broadcast year. However, based on an examination of its records, and in light of the licensee's obligations under section 15 of the Regulations, the Commission finds that the licensee had a shortfall of \$200 in its CCD contributions for that broadcast year.
6. In response to correspondence from the Commission, the licensee indicated that its own records show that CKFI-FM is in full compliance with its CTD and CCD requirements for the broadcast years in question, and provided proof of payment for the allegedly missing CCD contributions.
7. The Commission notes, however, that the same cheques submitted to support CCD payments claimed for CKFI-FM were also submitted as proof of payment for other stations owned by Golden West. In this regard, the Commission requires that CCD payments must be made for each of the stations owned by a licensee, and notes that payments made to one station do not automatically impact shortfalls for other stations. The Commission therefore maintains that CKFI-FM had a CTD contribution shortfall of \$600 for the 2007-2008 broadcast year and a CCD contribution shortfall of \$200 for the 2008-2009 broadcast year.
8. In light of the above, the Commission finds the licensee in non-compliance with its requirements relating to CTD and CCD contributions. Consequently, the Commission directs the licensee to make a contribution of \$800 to an eligible CCD initiative, as defined in paragraph 108 of Broadcasting Public Notice 2006-158, and to provide the Commission with appropriate proof that this contribution was made, by no later than **6 May 2013**. A **condition of licence** to that effect is set out in the appendix to this decision.

Conclusion

9. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found in non-compliance. The Commission noted in particular that each instance of non-compliance will be evaluated in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it will consider the circumstances leading to the non-compliance in question, the licensee's arguments, and the measures taken to rectify the situation.
10. In accordance with its revised practice regarding radio non-compliance, the Commission considers that a short-term renewal period for CKFI-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKFI-FM Swift Current from 1 January 2013 to 31 August 2017. This short-term renewal will allow for an earlier review of the licensee's compliance with its conditions of licence and with the Regulations. The term and **conditions of licence** are set out in the appendix to this decision.

Employment equity

11. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2012-461, 28 August 2012
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-456, 28 August 2012
- *Administrative renewals*, Broadcasting Decision CRTC 2012-164, 20 March 2012
- *Administrative renewals*, Broadcasting Decision CRTC 2011-556, 31 August 2011, as corrected by *Administrative renewals – Corrections*, Broadcasting Decision CRTC 2011-556-1, 23 September 2011; *Administrative renewals – Correction*, Broadcasting Decision CRTC 2011-556-2, 16 December 2011; and *Administrative renewals – Corrections*, Broadcasting Decision CRTC 2011-556-3, 5 April 2012
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

- *Amendments to the Radio Regulations, 1986 – Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy – Regulatory Policy*, Broadcasting Public Notice CRTC 2008-67, 23 July 2008
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *English-language FM radio station in Swift Current*, Broadcasting Decision CRTC 2005-37, 3 February 2005

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2012-691

Term and conditions of licence for the English-language commercial radio programming undertaking CKFI-FM Swift Current, Saskatchewan

Term

The licence will expire 31 August 2017.

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
2. In addition to the basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, the licensee shall, by no later than **6 May 2013**, make a contribution of \$800 to CCD. The licensee shall allocate this amount to a party or initiative fulfilling the definition of an eligible initiative set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006. The licensee shall also file acceptable proof of payment with the Commission by no later than **6 May 2013**.